

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0004802 to Callegari (hereinafter “the ‘802 application”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on October 19, 2011, at which time the outstanding rejection of the claims was discussed. In particular, the claimed archive file was discussed. At the conclusion of the interview, the Examiner agreed to reconsider the rejection when a response is filed.

Claim 1 is directed to a mobile phone, comprising: (1) a communication section configured to transmit/receive data through a wireless or wired transmission path; (2) a data processing section configured to process the data transmitted/received by the communication section; (3) a memory space in which a file processed by the data processing section is arranged; (4) archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be **decompressed** only at the destination terminal specified by the identification information; and (5) means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed.

Applicant respectfully traverses the rejection of Claim 1 as anticipated by the ‘802 application, for the reasons set forth below.

The '802 application is directed to a method for providing a coupon to a consumer. In particular, the '802 application discloses that the method includes presenting a virtual coupon to a consumer device only if the consumer is within a vicinity of the consumer offer location or the consumer otherwise indicates an interest in the goods in the vicinity of the coupon offer location. In particular, as shown in Figures 5A and 5B, the '802 application discloses that the system includes a consumer device 20, which may be a mobile telephone or a mobile computer, as well as a presence server 30 that reveals the merchant presence to the consumer, and a global positioning satellite 74. Further, as noted in the outstanding Office Action, Figure 7 provides an overview of applications that run on the presence server 30, as shown in Figure 5B. In particular, the '802 application discloses that the system includes realms, services, locations, contents, and presentations.

However, Applicant respectfully submits that the '802 application fails to disclose archive creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file was to be decompressed is attached to the archive file so that **the archive file can be decompressed only at the destination terminal specified by the identification information**, as recited in Claim 1.

In a non-limiting example, Applicant refers the Examiner to Figure 12 and the discussion related thereto in the specification.

In particular, Applicant respectfully submits that the '802 application appears to be completely unrelated to the invention recited in Claim 1. For example, Applicant notes that starting on page 11, the '802 application discloses various examples of the services that are provided by the '802 system, and that the fifth example is entitled "Family Archive" on page 13, which allows a photograph or voice recording to be associated with a time and location so that memories of a family trip, for example, can be recorded. However, Applicant

respectfully submits that this appears to be unrelated to creating an “archive file” for at least one file to be backed up, but rather relates merely to storing various types of information in conjunction with one another. Applicant respectfully submits that paragraphs [0113-0115] in the ‘802 application are silent regarding backing up files.

Further, Applicant notes that Claim 1 recites that an archive file is to be decompressed at a destination terminal. However, Applicant notes that the ‘802 application is silent regarding decompressing archive files. The word “decompress” does not appear in the text of the ‘802 application.

In particular, Applicant notes that Claim 1 requires that identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information.

In this regard, page 4 of the outstanding Office Action appears to refer to the identification of a user in paragraph [0085] as corresponding to the identification information of a destination terminal recited in Claim 1. However, paragraph [0085] in the ‘802 application merely states that when a user subscribes to a particular service, the user’s reference is associated with the service and that a reference to the user is placed within the service database so that the user is now part of the service community. It is unclear to Applicant how a user’s ID stored in a service database relates to an identification of a destination terminal attached to an archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information, as required by Claim 1.

The ‘802 application merely discloses that an identification of a user who has subscribed to a service is kept track of, but is completely silent regarding an archive file

being **decompressed** only at a particular destination **terminal**, based on identification information attached to the archive file, as required by Claim 1.

Contrary to Response to Arguments set forth on page 7 of the Office Action, the ‘802 application is silent regarding decompressing an archive file, and is silent regarding the claimed destination terminal, based on the identification information attached to the archive file.

It is unclear to Applicant what the claimed “archive file” is within the service database recited in paragraph 85 of the ‘802 application. Applicant respectfully submits that the ‘802 application is completely silent regarding decompressing an archive file only at a particular destination terminal specified by identification information attached to the archive file. As discussed above, the ‘802 application is silent regarding both an archive file and decompression, and it is unclear to Applicant how paragraph [0085] is relevant to the archive file creating means recited in Claim 1.

Further, Applicant respectfully submits that the user’s reference 134 disclosed by the ‘802 application is not identification information of a destination **terminal**, but merely identifies the user that has subscribed to a service.

Further, Applicant respectfully submits that the ‘802 application fails to disclose means for generating, in the memory space (of the mobile phone) an access management information file that includes a counter value indicating the maximum number of times that the archive file can be accessed, as recited in Claim 1. In particular, Applicant notes that the claimed access management information file that includes a counter value must be **within the memory space of the mobile phone**. In this regard, Applicant notes that the Office Action relies on paragraph [0013] in the ‘802 application, which discusses recording a number of times that a coupon is presented by a consumer device. However, Applicant respectfully submits that a number of times that a coupon can be redeemed or presented for redemption, is

different than a **maximum** number of times that an **archive file** can be accessed, as required by Claim 1.

Further, paragraph [0013] is silent regarding an access management file that includes a counter value being in the memory space **of the mobile phone**. On the contrary, Applicant respectfully submits that the “register” disclosed by the ‘802 application is maintained on the **presence server 30** disclosed in Figures 5A and 5B, **not** on the consumer device 20.

For the reasons stated above, Applicant respectfully traverses the rejection of Claim 1 (and dependent Claims 2-5, 11, and 12) as anticipated by the ‘802 application.

Independent Claim 6 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above, Applicant respectfully traverses the rejection of Claim 6 (and dependent Claims 7-10) as anticipated by the ‘802 application.

Thus, it is respectfully submitted that independent Claims 1 and 6 (and all associated dependent claims) patentably define over the ‘802 application.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

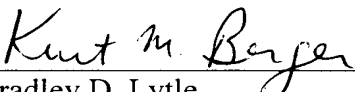
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Kurt M. Berger, Ph.D.
Registration No. 51,461